

3/1/2022 WMR

UNITED STATES DISTRICT COURT
 for the
 Western District of Oklahoma

In the Matter of the Search of _____
 (Briefly describe the property to be searched
 or identify the person by name and address)
 a LG cellular phone, model LM-X320MA,
 IMEI Number 358335-10-279525-7, currently
 located at FBI in Oklahoma City. _____)

Case No. M-22- 144 -STE

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Western District of Oklahoma, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Possession of a Firearm in Furtherance of a Drug-Trafficking Crime

The application is based on these facts:

See attached Affidavit.

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

JOSEPH KEYES, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: Mar 2, 2022

City and state: Oklahoma City, Oklahoma



Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge

Printed name and title

WESTERN DISTRICT OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA)

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Joseph Keyes, a Special Agent for the Federal Bureau of Investigation (FBI), Oklahoma City Division, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent with the Federal Bureau of Investigation (FBI) since June 2012. I am currently assigned to the Oklahoma City Division, where I have been involved in a wide variety of investigative matters, including investigations targeting large criminal enterprises, many of which involved firearms violations in violation of Title 18 U.S.C. §§ 922(g)(1) and 924(d). During the course of these investigations, I have been the affiant in multiple Title III wire intercept affidavits, participated in several Title III investigations, coordinated the execution of search and arrest warrants, conducted physical surveillance, coordinated controlled purchases with confidential sources, analyzed records documenting the purchase and sale of illegal drugs, and spoken with informants and subjects, as well as other local and federal law enforcement officers, regarding the manner in which violent gang members operate criminal organization utilizing firearms and violence to further money making endeavors such as drug distribution, extortion, prostitution, and other such acts. Through my training and

experience, I have become familiar with the methods and operation of violent gang, including their common organizational structures, use of violence, methods of distributing, storing, and transporting drugs, and methods of collecting and laundering drug proceeds.

2. I am submitting this Affidavit in support of a search warrant authorizing a search of one cellular telephone— **a LG cellular phone, model LM-X320MA, IMEI Number 358335-10-279525-7**, hereinafter **SUBJECT PHONE**. The FBI in Oklahoma City has custody of the **SUBJECT PHONE** in Oklahoma City, Oklahoma. I am submitting this Affidavit in support of a search warrant authorizing a search of the **SUBJECT PHONE** for the items specified in **Attachment B** hereto, wherever they may be found, and to seize all items in **Attachment B** as instrumentalities, fruits, and evidence of the aforementioned crimes related to illegal firearms possession and illegal drug distribution.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that **Byron Andre Jones** (DOB: XX-XX-1962/SSN: XXX-XX-4501), who uses the **SUBJECT PHONE**, has been involved in the illegal possession of firearms, in violation of 18 U.S.C. § 922(g)(1), and possibly murder. There is also probable cause to search the information described in **Attachment A** for evidence of this crime as further described in **Attachment B**

4. Since this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish

probable cause to support the issuance of a search warrant. The information contained in this Affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records.

BACKGROUND OF INVESTIGATION

5. Special Agents and Task Force Officers (TFOs) of the FBI, the Oklahoma City Police Department (OCPD), and the Bureau of Alcohol Tobacco and Firearms (ATF), have initiated an investigation into the Neighborhood Rolling 90s Crips (Rolling 90s) criminal street gang. This investigation was initiated after OCPD determined upon review of aggregated data that a large percentage of recent gang-related street violence has been perpetrated by Rolling 90s gang members. Such incidents include drive-by shootings, assaults, and murders in the Oklahoma City metro area. The investigation has also found that Rolling 90s gang members often engage in drug trafficking. Initial witness reports of the crimes committed, along with corroborating information gathered by OCPD during their investigation, often lead authorities to Rolling 90s gang members as the perpetrators. However, witnesses in nearly every incident later recant or refuse to cooperate. The lack of cooperation often stems from the threats of further violence in the community and witnesses therefore have legitimate concerns for their safety. Through my training and experience, I know that gangs engage in coordinated and widespread violence in order to secure or bolster their reputation within a territory which they can control for financial gain through illicit ventures. These endeavors include protection rackets, robberies, firearms trafficking, sex trafficking, and—most commonly—drug trafficking.

6. During the course of the investigation law enforcement has developed several cooperating defendants who have intimate knowledge of the Rolling 90s gang structure and criminal activity. One such cooperator, herein after referred to as CD3, provided information supporting the application for this search warrant. CD3 is an individual that was involved in gang criminal activity and is facing federal prosecution for related criminal activity. CD3 fears retribution and would not be willing to testify. CD3 was not promised favorable treatment or reduced sentencing by law enforcement. CD3 was only promised that any cooperation provided, so long as all was truthful, would be forwarded to the court for consideration in the future. Additionally, law enforcement personnel present during the interview of CD3 were already intimately familiar with the subject matter that CD3 was providing information on, and in no instance believed that CD3 was providing false or misleading information.

7. In mid-January 2022, CD3 provided information about the May 2, 2019, murder of Christopher Little, aka “Scooter”. CD3 stated that Byron Jones is one of the founding members of the Oklahoma City Rolling 90s gang. Originally, Jones was from California, but moved to Oklahoma City over 30 years ago and founded the gang. CD3 knows Jones to be the highest-ranking member of the Rolling 90s and stated that Jones is still involved in drug and gun distribution. Furthermore, CD3 stated that as a high-ranking member of the Rolling 90s, Jones was the person to give permission sanctioning murder.

8. One such murder that was sanctioned by Jones was the Christopher Little murder. According to CD3, Little had come into conflict with Ledaren Cargle and Corey

Banks after Little made a claim that Cargle had cooperated with police on a murder of Banks' brother, FNU LNU, aka "Birdie". Cargle and Banks, along with associates Eddie Norton and Michael Winrow, planned retaliation against Little for those claims. Cargle, Banks, Norton, and Winrow are all members of the Rolling 90s gang. Norton who was still friendly with Little set up Little by calling for a meeting, to which Little arrived and was shot multiple times by Cargle and Banks. After the shooting occurred, CD3 reported that Cargle and Banks went to Jones's residence, which at the time was located at 707 NE 16th Street, Oklahoma City, Oklahoma. According to CD3, the purpose of visiting was not only to briefly hide out after the shooting, but also to deliver the guns used in the shooting to Jones, so he could dispose of them. Jones had a close relationship with Cargle and had purportedly raised Cargle and considered him a son. It was for that reason that Jones supported Cargle and sanctioned the murder of Little who was also a Rolling 90, and later aided in covering up the crime by disposing of the guns.

9. On February 26, 2021, at approximately 10:00 p.m., OCPD officers performed a traffic stop at E Wilshire and N Ollie Avenue on a blue Dodge Challenger driven by Jones. The vehicle was swerving and straddling lanes. When officer made contact with Jones, they reported smelling alcohol on Jones' breathe, his speech was slurred, and his movements lethargic. Officers further saw a metal tumbler in the center console three-quarters full of a yellow liquid. When asked, Jones confirmed the tumbler contained alcohol. After conducting field sobriety tests, officers decided to arrest Jones for driving while under the influence. After placing Jones under arrest, OCPD officers

were in the process of impounding Jones' vehicle and taking an inventory of it when they found a Canik 9mm handgun in the glove compartment.

10. After finding the firearm, law enforcement confirmed that on more than one occasion Jones had been previously convicted of a crime punishable by a term of imprisonment exceeding one year. In 1993, Jones was convicted of shooting with intent to kill in Oklahoma County District Court case CF-1993-5697 and was sentenced to serve 10 years in the custody of the Oklahoma Department of Corrections (ODOC). In 2005, Jones was convicted of assault and battery with a dangerous weapon in Oklahoma County District Court case CF-2005-6946 and was sentenced to serve 15 years in the custody of the ODOC. In 2014, Jones was convicted of possession of marijuana with intent to distribute in Oklahoma County District Court case CF-2014-2520, and in Oklahoma County District Court case CF-2013-8693, Jones was convicted of possession of a firearm after a felony conviction and pointing a firearm. He was sentenced to serve 25 years in the custody of the ODOC for the 2014 convictions.

11. On February 1, 2022, Jones was indicted in the Western District of Oklahoma for possessing a firearm after a felony conviction, in violation of Title 18 U.S.C. § 922(g)(1). On February 7, 2022, Jones was arrested on the federal warrant.

12. After his arrest, Jones waived his Miranda rights and agreed to talk to investigators without a lawyer present. During the interview, Jones denied any knowledge of gang criminal activity, including the murder of Little. Jones repeatedly stated that he no longer engages in criminal activity. Based on my training and experience, people engaged

in criminal activity minimize or deny involvement in crimes in order to avoid criminal charges and penalties. Investigators asked if Jones would give consent to review his phone to which Jones declined. When asked why he did not wish investigators to review his phone Jones admitted that there would be pictures of guns on it. Specifically, Jones said, "People send me pictures of guns and stuff like that all the time." Jones further elaborated, "... [o]n New Year's Eve, I took pictures of people shooting and stuff like that." Jones later clarified that it was not this past New Year's Eve, but the year prior.

13. With regard to the gun law enforcement found in the car, Jones stated, "Yes I know it is illegal to have a gun, but I had...the reason was because I have...I mean...there's guys that still threaten my life because I don't carry a gun, especially now." When asked about where he obtained the firearm found during the traffic stop, Jones stated he could only recall that it was from the streets and it was a female that provided it to him.

14. Based on my training and experience, I know that gang members often utilize firearms for protection and intimidation. For instance, I know that gang members often possess and use of firearms and other weapons to further criminal activity by using the weapons to threaten others with violence and that weapons are commonly used as protection during drug distribution. I know that the Rolling 90s gang engages in a wide dearth of criminal activity to include drug distribution, firearms trafficking, drive by shootings, and murders. I know from this investigation that CD3 reported Jones as the highest known ranking Rolling 90s member and involved in drug distribution, gun trafficking, and sanctioning of gang murders. I know that Jones was stopped in February

2021 with a gun inside his vehicle. I know that Jones admitted in an interview on February 7, 2022, that his phone contained pictures of guns both sent to him by third parties and taken by him. I know that cellular phones can capture and save for many years photos, videos, email messages, text messages, and other data which could constitute evidence, fruits, and instrumentalities of criminal activity such as gun trafficking, drug trafficking, and other criminal activity commonly partaken by criminal gangs.

15. Based on the above information, there is probable cause to believe that a violation of 18 U.S.C. § 922(g)(1) has occurred and that there is probable cause to believe that evidence of illegal gun possession, in violation of 18 U.S.C. § 922(g)(1), and the fruits and instrumentalities of that crime exist on the **SUBJECT PHONE**.

16. Therefore, I respectfully request that this Court issue a search warrant for the **SUBJECT PHONE**, described in **Attachment A**, authorizing the seizure of the items described in **Attachment B**.



JOSEPH KEYES
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 2nd day of March, 2022.



SHON T. ERWIN
United States Magistrate Judge

ATTACHMENT A

The property to be searched is a **LG cellular phone, model LM-X320MA, IMEI Number 358335-10-279525-7** (the “Device”), which is currently booked in as evidence at the Office of the Federal Bureau of Investigation, 3301 W Memorial Road, Oklahoma City, Oklahoma, 73134.

This warrant authorizes the forensic examination of the Device for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records and information on the Device described in Attachment A that relate to violations of 18 U.S.C. § 922(g)(1) including but not limited to:
 - a. Phone directory and/or contact list;
 - b. calendar;
 - c. text messages,
 - d. e-mail messages;
 - e. photographs and videos;
 - f. communications with applications;
 - g. call logs;
 - h. any information related to the illegal possession of firearms;

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.